

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

EBEN ALEXANDER, III, M.D.

Plaintiff,

v.

BRIGHAM AND WOMEN'S PHYSICIANS  
ORGANIZATION, INC., successor to  
Brigham Surgical Group Foundation, Inc.,  
BOSTON NEUROSURGICAL FOUNDATION )  
INC., BRIGHAM SURGICAL GROUP )  
FOUNDATION, INC. DEFERRED )  
COMPENSATION PLAN, BRIGHAM )  
SURGICAL GROUP FOUNDATION, INC. )  
FACULTY RETIREMENT BENEFIT )  
PLAN, COMMITTEE ON COMPENSATION )  
OF THE BRIGHAM SURGICAL GROUP )  
FOUNDATION, INC., and )  
PETER BLACK, M.D. )

Defendants.

Case No. 04-10738-MLW

**JOINT MOTION TO RESCHEDULE SUMMARY JUDGMENT HEARING**

The parties to the above-captioned matter hereby respectfully request that the Court reschedule the summary judgment hearing from January 13, 2006 to January 24 or 25, 2006, or another date that is convenient for the Court. In support hereof, the parties state as follows:

1. A summary judgment hearing was held on November 15, 2005 after which the Court ordered the parties to attempt to stipulate to additional facts concerning the pending cross motions for summary judgment and ordered a further summary judgment hearing to be held on January 13, 2006.

2. Plaintiff's counsel, Michael Paris, Esq., will be in California from January 11-16, 2006 and therefore is unavailable for a hearing on January 13<sup>th</sup>. Mr. Paris' plans were scheduled prior to the Court's issuance of the January 13<sup>th</sup> hearing date.

3. This is the first extension of the summary judgment hearing sought by the parties.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court reschedule the summary judgment hearing to January 24 or 25, 2006, or as convenient for the Court.

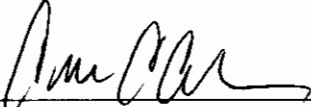
Respectfully submitted,

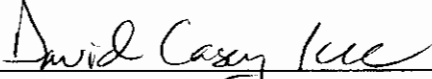
Plaintiff,

Defendants,

By his attorneys,

By their attorneys,

  
\_\_\_\_\_  
Michael Paris (BBO No. 556791)  
Colleen C. Cook (BBO No. 636359)  
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Dated: December 20, 2005